

Designations of Human Rights Organisations: Implications and Responsibilities

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It is now nearly six months since Israel designated six of the leading Palestinian civil society organisations, as “terror organisations” under the Counter Terrorism Law, 2016 and as “unlawful associations” under military order. The six affected organisations are Al-Haq, Addameer, Defence for Children International-Palestine, BISAN, Union of Agricultural Workers Committees and the Union of Palestinian Women’s Committees. The designations of our organisations under military order, means that our offices can be raided by the army, our staff can be arrested and put on trial in the military courts for membership of a designated terror organisation, and our funds, salaries and property can be seized. This is all because of our international human rights and humanitarian work.

These attacks are not new but are the latest attempt by Israel to silence Palestinian civil society.

For Al-Haq, it is because of this human rights work, Israel has targeted our staff and organisation with a smear campaign of delegitimization in 2016, **including death threats** against General Director Shawan Jabarin and legal researcher Nada Kiswanson for our work on the **International Criminal Court**. Prosecutor Bensouda in her 2016 report on preliminary examinations, noted that “staff members of certain organizations that have gathered information of relevance to the OTP preliminary examination, such as Al-Haq and Al-Mezan Center for Human Rights, have been subjected to threats and other apparent acts of intimidation and interference,” that the situation had been taken “*very seriously*” including at the level of the Dutch authorities, as the Host State to the Court.

Since then, Israel has tried to cut off the funding of our organisations, and even established a Ministry whose sole purpose was to smear Palestinian human rights organisations working with the Court, amongst others, insinuating links to terrorism, and presenting their reports to European funders. The most egregious of these were published by the Israeli Ministry of Strategic Affairs in 2018 and 2019, including: “The Money Trail 1” (May 2018),¹ “The Money Trail 2” (January 2019), and “Terrorists in Suits” (January 2019). Those reports contain a number of defamatory attacks against human rights organizations. More pointedly, these reports call on the European Union (EU) and European states to halt their direct and indirect financial support and funding to Palestinian and international human rights organizations.²

¹ Ministry of Strategic Affairs and Public Diplomacy, ‘The Money Trail – The Millions Given by EU Institutions to NGOs with Ties to Terror and Boycotts against Israel – An In-Depth Analysis’ (May 2018)

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In May 2021, Israel's presented a shambolic 74-page report of supposed "evidence" full of fabrications to Third States which was widely condemned as "have not been substantiated".

For Al-Haq, we understand this campaign of smears as part of Israel's systematic policy of silencing of opposition to maintain its apartheid system over the Palestinian people as a whole. More specifically, the designations in themselves amount to acts of persecution and apartheid under Article 2(f) of apartheid.

It is this human rights work, which has led Israel on 19 October to designate our organisation along with five others as "terrorist organisations" under its Counter Terrorism Law, 2016.

The "terror designations" are Israel's latest tool from the box of repressive measures, to silence Palestinian monitoring and documentation of Israeli crimes, so that Israel, the Occupying Power can advance and escalate its settler colonisation and apartheid, and *de facto* annexation. All of this is under the careful watch and complicity of the international community.

Demand the Rescinding of the Designations

The joint statement and Norway, in a closed meeting to the Security Council in November, highlighted that the designations were a matter of "serious concern" as they have "far-reaching consequences for the organisations in political, legal and financial terms", while this is welcome it is not enough. We need a strong clear condemnation and a clear call to rescind the designations, accompanied by diplomatic pressure, and a clearly articulated time frame.

Waiting

For us, one of the most damaging aspects of the international response to date, has been seeing Third States like Norway, deferring more time to Israel to present and substantiate its claims with so-called "evidence", a tactic which is essentially greenlighting a witch hunt played out in military courts in the occupied territory.

While the Norwegian ambassador to the UN did warn that "if we are not presented – in reasonable time – sufficient information to corroborate these accusations, we will request Israel to rescind the decision". That was four months ago- and as each month passes, Israel becomes more emboldened by Third State deference to its indefinite time frame, and the damage to Palestinian civil society is becoming irreversible.

Let me outline some of the damage that we have already suffered in the last four months:

While Third States have looked the other way and deferred to Israel, the President of the Palestinian Women's Committees, Khitam Saafin who was first arrested in November 2020, was on February 13th this year, fined and administratively detained for 16 months by a military court, and was retroactively charged with being the Director of an outlawed organisation in the West Bank, based on secret evidence provided to the Court. The military prosecution



accused her of “joint administration” of the six designated organisations, in an attempt to link the six organisations together. It is clear that Israel is using the deferred time to try and fabricate links between people held without charge under administrative detention and the PFLP. She joins Shatha Odeh, a nurse and esteemed head of the Health Workers Committees as the second female Director who was also arbitrarily arrested and detained under spurious terrorism charges, under military order, in the last year.

Since the terror designations, a Spanish national Juana Ruiz Sánchez a fund raiser from the Health Workers Committees who had been arbitrarily arrested and incarcerated, was set up for her role in fundraising for the Health Workers Committees - on November 17th was prosecuted in a military court and found to be “performing a service for an outlawed organization”. And although the HWC is not one of the six, The **Israeli Ministry of Foreign Affairs** issued a press statement again attempting to link the activities of the Health Workers Committees with the Six organisations – with her lawyer Avigdor Friedman warning that “The whole case is a political case. They tried to use it to justify the outlawing of the human rights organizations”.

While Third States were waiting on Israel’s evidence –On 7 March, Israel has arbitrarily arrested and administratively detained Salah Hammouri, the main lawyer from Addameer.

We have also seen very serious issues with our funding during this deferred time:

The-Finnish Christian charity FELM, ended its funding of Defence for Children International-Palestine, citing potential risks to its work in other countries from the impacts of the designations on the banking services,

In the immediate aftermath of the designations of the six Palestinian civil society, the European Commission (EC) instructed Oxfam to cut its funding to the UAWC as a precautionary measure until the situation had been clarified, highlighting the chilling effect of risk assessments carried out by third parties. In addition, the EC suspended its project funding to Al-Haq, while it examines an already discredited 74-page file of evidence from Israel, which and the EU High Representative Borrell and Third States have condemned as “*have not been substantiated*”. We are now almost a year without this funding, as the EC extends more time and defers to Israel to find more evidence.

While Third States have deferred more time to Israel, it has placed inordinate amounts of pressure on our organisations to try and legally extend the appeal process as long as possible, in order to delay the designation from turning from a temporary designation, to a permanent one. Without an objection from the affected parties, the designations would become permanent after seven months-. We are now trying to do everything we can within the next six weeks to prevent this from happening, as then the banking system will start to lock out our organisations and donor funding will be prevented from being transferred from Third countries into the occupied Palestinian territory. This means we have mounting lawyer’s fees and costs to contend with along with a race against time, to try and politically overthrow the designations.

Even under a temporary designation, the reverberating impacts of Israel’s attacks have already been felt by Palestinian civil society and are a continuation of a long-held policy of Israel’s crippling and silencing all opposition to its settler colonial apartheid regime.

The Counter Terrorism Law

Alongside SR Michael Lynk, one of the most ardent critics of Israel’s designations has been the UN Special Rapporteur on CounterTerrorism condemning the outlawing of Palestinian civil society as terrorist organisations as an outright misuse of counterterrorism legislation stating: “At bottom, these measures, these designations, are an attempt at civic death. On 30 March, the “UN Human Rights Committee in its 2022 Concluding Observations has called on Israel to “review” the Counter Terrorism Law 5776-2016, “with a view to ensuring that its definitions of ‘terrorist organization’ and ‘terrorist act’ and the powers and limits on their exercise are in full compliance with the Covenant and the principles of legal certainty, necessity, proportionality and the rule of law”.

It is becoming clear, that not only are the designations arbitrary, but the legislation upon which they are premised is fundamentally flawed.

What should Norway be doing?

As Palestinian civil society we expect Norway to condemn the Israeli Minister of Defence and to use your good offices to pressure Israel to rescind the designations. We know that in its current formation, the Israeli government is particularly susceptible to the influence of European powers. If there had been the political will, we could have seen the designations overturned by now. We expect Norway, who has had a leading role in peace building with the Oslo Accords, and as a former contributing State to the Temporary International Presence in Hebron (TIPH), and as a key contributor to UNRWA, to take a leadership role in clearly calling for the rescinding of the designations

Some 55 years into the occupation and over twenty years since the Oslo Accords, it is clear, that if Third States are not intervening to be part of the solution, then Third States are part of the problem. We are now at an end point of no return, and we are now facing into the final stages of the colonial plan for the replacement of the indigenous Palestinian people with illegally transferred in settlers– what Third States are seeing and contributing to – is ethnic cleansing.

We do not need empty promises of support while Israel carries out its “civic death” of Palestinian organisations. Norway is now entertaining a rogue Occupying Power, that has thrown off all the pretences of rule of law and democracy.

We need action. We ask that the Norway today, call time’s up on Israel’s designations.